



**South Hams District Council**  
**Town and Country Planning**  
**(Tree Preservation) (England) Regulations 2012**

**Tree Preservation Order: GRANT of CONDITIONAL CONSENT**

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**Application No:** 3875/22/TPO

**Proposed works:** For Full Application please refer to - Full Application Description for 3875/22/TPO

**Location:** Rectory Barn, East Portlemouth, TQ8 8PA

**Agent:**

Mr Dominic Scanlon  
Aspect Tree Consultancy Ltd  
Unit F Kach Business Park, Pottery  
Pottery Rd  
Bovey Tracey  
TQ13 9TZ

**Applicant:**

Mr Richard Lawson  
Rectory Barn East Portlemouth Corner To  
Goodshelter Cross  
East Portlemouth  
Devon  
TQ8 8PA

In pursuance of its powers under the above mentioned Act and Regulations, the South Hams District Council **Hereby GRANT Consent** for the operations detailed above following your application received on 4 November 2022.

This consent is valid for a period of **2 years** from the date below.

**Subject to the following Conditions:**

1. All approved pruning works are required to be undertaken in their entirety in accordance with B.S.3998 2010 Tree Work - Recommendations

**Reason**

To ensure all works are undertaken in accordance with current industry best practise as detailed within B.S.3998 2010 Tree Work - Recommendations and to ensure works do not deviate from attached conditions.

2. The removal of the above noted trees is granted, but a condition for their removal is that the trees be replaced as follows

G73. 1 x Acer campestre 6-8cm Girth Light Standard

G90. 1 x Quercus robur 6-8cm Girth Light Standard, 1 x Ar campestre 6-8cm Girth Light Standard & 1 x Prunus avium 6-8cm Girth Light Standard

T71. 1 x Carpinus betulus 6-8cm Girth Light Standard

T88. 1 x Tilia cordata 6-8cm Girth Light Standard

which are to be planted as close as practically possible to where the trees were removed.

The replacement trees to be planted in accordance with the above conditions are to be planted in the next planting season following the felling.

Dated this 13 January 2023

*Patrick Whymer*

**Head of Development Management Practice**  
**for and on behalf of the Council**

(Application Ref: 3875/22/TPO)

The planting and aftercare of the tree shall be carried out in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape recommendations and BS 4043: 1989 Transplanting root-balled trees.

The Local Authority is required to be sent images of the planted tree as soon as practically possible following the successful planting to confirm the Condition has been discharged.

If within a period of 5 years from the completion of the new planting, as Condition 1, the tree is cut down, felled, uprooted, removed, destroyed, or dies or becomes in the opinion of the Council, seriously damaged or defected,

- (a) The Council shall be notified as soon as reasonably practicable; and
- (b) Another tree of the same size and species shall be planted at the same location, at a time agreed in writing by the Council,

Unless the Council agrees in writing to dispense with or vary the requirement.

Any duty to replace trees felled under TPO or Conservation Area legislation transfers to a new owner if the land changes hands; and when not discharged lies as a charge upon the land likely to be revealed at conveyancing searches.

#### Reason

To ensure the continuity of succession tree planting which serves to contribute significantly to the public visual amenities of the local and wider landscape in accordance with Section 206 of the Town and Country Planning Act 1990.

3. All young Ash trees to be felled within Compartments 1 to 3 of Woodland Management Plan reference: 05891 Rectory Barn are to be coppiced and not mechanically removed or chemically treated. Regrowth to be reassessed at Year 5 to review resistance of trees to Ash Dieback and any found to be heavily diseased or unsafe to be subject to a normal tree work application if required by the property owner.

#### Reason

To seek to preserve and allow opportunity for reestablishment of those Ash trees which may show resistance to Ash Dieback for the benefit of the amenities of the area.

4. All actions excluding those controlled by way of Condition 3 detailed within document Woodland Management Plan reference: 05891 Rectory Barn are to be fully enacted, at the end of the first Phase 1 at yr 5 the local Authority is to be contacted to arrange a site visit to assess establishment rates of new plantings and efficacy of growth response to the approved thinning densities of trees retained.

#### Reason

To monitor midterm success of the Woodland Management Plan for the benefit of the amenities of the area.

**You have a right of appeal against this decision.**

**It is important that you read the notes overleaf.**

Dated this 13 January 2023

*Patrick Whymer*

**Head of Development Management Practice  
for and on behalf of the Council**

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## Your Right of Appeal

If you are aggrieved by the Council's decision to refuse consent or to grant consent subject to conditions, you can appeal to the Secretary of State. If you wish to appeal, you must do so in writing to:

The Planning Inspectorate  
Environment Team  
Room 3/25  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

Your appeal must be received by The Planning Inspectorate **within 28 days** from the date you receive this decision. The Secretary of State has discretion to allow a longer period. Further information can be found online at: <https://www.gov.uk/appeal-decision-about-tree-order>.

### Informative notes:

- 1 This decision is made under Part VIII of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Tree Preservation) (England) Regulations 2012, and without prejudice to any other controls that may be in force, including those that relate to land ownership. It does not give you an automatic right to carry out works on, or above, somebody else's land.
- 2 It is an offence under the Wildlife and Countryside Act 1981 to disturb roosting bats or nesting birds. It is advisable to consult your tree surgeon/consultant to agree an acceptable time for carrying out any work. Wildlife and habitat controls are administered by Natural England.
- 3 A visual amenity assessment of the tree(s) was conducted from ground level, and the decision deals with the officer's site observations together with the relevant issues that have been raised. The only trees that the officer assessed were those detailed on the tree work application and the assessment specifically considered the proposed works in relation to amenity and the trees' health. The responsibility rests with the tree owner to have their trees inspected on a regular basis to address their duty of care. Inspections should be carried out by an independent arboriculturalist as the Local Planning Authority do not provide this service.
- 4 If you suffer any loss or damage which is caused or incurred in consequence of a refusal of consent, or a grant of consent subject to conditions, you may be entitled to recover from the Council compensation in respect of such loss or damage. If you wish to make a claim you must do so within 12 months from the date of this decision (or, if you appeal to the Secretary of State, within 12 months from the date of his decision). Claims should be submitted in writing to Development Management Case Management, South Hams District Council or West Devon Borough Council.
- 5 Most applications for tree works are now submitted online via the Planning Portal. Tree works applications are covered by Planning Applications online, available here: [https://www.planningportal.co.uk/info/200232/planning\\_applications](https://www.planningportal.co.uk/info/200232/planning_applications).

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